

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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IN RE GRAND JURY PROCEEDINGS v.)
CORREIA et al.)
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Docket No 05-MC-10206-MBB

MANI SINGH'S MOTION FOR MODIFICATION OF RELEASE CONDITIONS

Mani Singh, a material witness in the above-captioned matter, hereby moves the Court for a one-time modification of the conditions of his release. As support for this Motion, Mr. Singh states as follows:

1. Since May 20, 2005, Mr. Singh has been detained in Boston as a material witness in this investigation. He has fully complied with all terms of his pretrial release conditions for close to three months.
2. One of those conditions requires that Mr. Singh abide by a restriction to limit his travel to the City of Boston. Further, one of those conditions requires that Mr. Singh not visit any "train or airport terminals or ports of call." *See* Order Setting Conditions of Release, attached hereto as Exhibit A.¹
3. Mr. Singh has surrendered his passport and does not pose a risk of flight.

¹ On May 24, 2005, the Court granted a motion to modify one of the conditions of release listed in the Pretrial Services Memorandum (*i.e.*, since that date, all of the witnesses have been lodged at the Mariners House in Boston).

4. Mr. Singh has not been charged with any crime. As a result of the material witness warrant, he has spent nearly 90 days living in a city thousands of miles from his home and family. Unlike most individuals subject to some sort of pretrial restrictions, Mr. Singh is a) not a defendant and b) has no connections with this community, no employment, and no reason to be here aside from this investigation. Needless to say, these have been especially trying circumstances for Mr. Singh.
5. Mr. Singh's wife, Manjit Kaur, has traveled to Boston from India to support her husband during his extended detention period.²
6. In order to help alleviate the stress of his situation, on Sunday, September 3rd, Mr. Singh would like to accompany his wife to Grand Rapids, Michigan to visit his niece and her family, who live and work in Grand Rapids. Mr. Singh and his wife would like to visit for a period of seven days.
7. Ms. Narinder Kaur is Mr. Singh's niece and the wife of Mr. Gurminder Singh. Ms. Kaur and Mr. Gurminder Singh own and run two small family businesses in the Grand Rapids area. Because of work obligations as well as the fact that they have two children, Ms. Kaur and Mr. Gurminder Singh cannot leave home to visit Mr. Mani Singh in Boston. Their address in Michigan is: 3434 Fulton Street, Grand Rapids, Michigan, 49456. Their residential phone number is 616-464-0006 and Ms. Kaur's cell phone number is 616-299-3800.
8. Mr. Singh and his wife would travel to and from Grand Rapids via airplane. Mr. Singh would present complete travel information beforehand to the Pretrial Services Officer David Picozzi.

9. Undersigned counsel has discussed this issue with Pretrial Services Officer David Picozzi, who does not object to this request.
10. Mr. Singh would call the Pretrial Services Officer David Picozzi each day of his absence from Boston before noon, as per Mr. Picozzi's request. Mr. Singh would carry his cell phone with the number: 617-828-4411.
11. Undersigned counsel has conferred about this motion with Assistant United States Attorney John Mitchell. AUSA Mitchell stated that the government is reserving its right to oppose this motion. Mr. Singh originally planned to file a motion for leave to travel to visit other family in New Jersey on August 12th. Upon discussion with the government on August 9th, in which the government stated it could not assent to such a motion, undersigned counsel had Mr. Singh postpone any trip in order to give the Court adequate time to receive briefing on a contested motion.
12. The government's reservation seems to emanate from a concern that Mr. Singh could flee if allowed to travel outside of Boston. Obviously Mr. Singh has had such an option available to him for the past three months, and he has chosen to instead comply fully with this Court's order.

By his attorneys,

/s/ Joshua S. Levy

Joshua S. Levy (BBO No. 563017)

Tracy E. Brown (BBO No. 660591)

² On July 20, 2005, the Court granted a motion to modify on a one-time basis one of the conditions of release listed in the Pretrial Services Memorandum so that Mr. Singh could pick up his wife at Logan Airport, in Boston. Mr. Singh greeted her and traveled with her back to the Mariners House with no incident.

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Dated: August 12, 2005

Exhibit A

United States District Court

DISTRICT OF

Massachusetts

UNITED STATES OF AMERICA

V.

ORDER SETTING CONDITIONS OF RELEASE

Case Number:

MBD 05-10206-MBBMam Singh
Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) _____
Place

on _____

Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (☒) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of _____ dollars (\$ _____)
in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

WHITE COPY — COURT

YELLOW — DEFENDANT

GREEN — PRETRIAL SERVICES

BLUE — U.S. ATTORNEY

PINK — U.S. MARSHAL

Mani Singh

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:

(Name of person or organization) _____

(Address) _____

(City and state) _____

(Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed _____

Mani Singh
Custodian of Proxy

- () (7) The defendant shall:

() (a) maintain or actively seek employment.

() (b) maintain or commence an educational program.

() (c) abide by the following restrictions on his personal associations, place of abode, or travel:

City of Boston, No visitation of Prison or Airport terminals or ports of call

() (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:

Not to discuss case w/ anyone other than counsel

() (e) report on a regular basis to the supervising officer.

() (f) comply with the following curfew: 12:00 A - 6:00 A

() (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.

() (h) refrain from excessive use of alcohol.

() (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §801 unless prescribed by a licensed medical practitioner.

() (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows: _____

() (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property _____

() (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money: _____

() (m) execute a bail bond with solvent sureties in the amount of \$ _____

() (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____

() (o) surrender any passport to _____ PTS

() (p) obtain no passport.

() (q) submit to urine analysis testing upon demand of the supervising officer.

() (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.

() (s) submit to an electronic monitoring program as directed by the supervising officer.

() (t) Notify PTS of an arrest w/in 24 hrs.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Mani Singh

 Signature of Defendant

 Address

 City and State Telephone

Directions to United States Marshal

- (☒) The defendant is ORDERED released after processing.
 () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.

Date: May 20, 2005

Marianne B. Bowler, USMS

 Signature of Judge
 MARIANNE B. BOWLER
 UNITED STATES MAGISTRATE JUDGE

 Name and Title of Judge

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL